IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 820 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/03/2005 in WP NO : 4196 OF 2005 on the file of the High Court.)

Between:

1 A. Satyanarayana Reddy S/o Chinna Nagi Reddy
BDO Street, Sree Rama Puram, Gurazala Post & Mandal, Guntur District
2 P. Narasimha Rao S/o Seshaiah
BDO Street, Sree Rama Puram, Gurazala Post & Mandal, Guntur District
3 B. Venkateswarlu S/o Kotaiah
R/o.Gurazala Post & Mandal, Guntur District
4 V.Zakariah S/o Anandam
Opp. Luthuru Church, Gurazala post & Mandal, Guntur District
5 R.S. Gopala Rao S/o Peraiah
Near Travellers Bungalow, Gurazala Post & mandal, Guntur District
6 A.S. Reddy S/o Koti Reddy
Narayanapuram, Dochapalli Mandal, Guntur District
7 M. Venkateswarlu S/o Nagaiah
Near Lakshmi Talkies, Gurazala Post and Mandal, Guntur District
8 D. David Raju S/o Raja Rao
Beside Baptist Church, Gurazala Post and Mandal, Guntur District
9 K. Jagannadha Rao S/o Venkateswarlu
Gurazala Post and Mandal, Guntur District
10 Ch. Srinivasa Rao S/o Raja Rao
Gurazala Post and Mandal, Guntur District
11 P. Venkateswarlu S/o Muthyam
G.I.C. Colony, Gurazala Post and Mandal, Guntur District

..... APPELLANTS

AND

1 The Presiding Officer, Labour Court, Guntur
2 The State of A.P. rep by its Secretary, Industries & Commerce Department

Secretariat, Hyderabad
3 The Director of Sugar and Cane Commissioner, 1st Floor, M.J. Road, Nampally, Hyderabad

4 The Nagarjuna Co-op Sugar Ltd., retpd. by its Managing Director Gurjala, Guntur District
5 Public Enterprises Department, rep by its Secretary, Secretariat, Hyderabad

.....RESPONDENTS

Counsel for the Appellants : MR.G.RAMESH BABU

Counsel for Respondents : GP FOR LABOUR

The Court at the stage of admission, made the following:

JUDGMENT: (per the Hon'ble Smt. Justice T.Meena Kumari)

This Writ Appeal is filed by the appellants challenging the order, dated 21.03.2005 in Writ Petition No.4196 of 2005 passed by a learned single Judge of this Court.

The said Writ Petition was filed by the appellants challenging the order, dated 23.12.2004 passed by the 1st respondent.

It is the case of the appellants that on the earlier occasion the appellant's Union has approached this Court by way of filing Writ Petition No.16916 of 1998 questioning the Memo dated 05.01.1998 of the 1st respondent therein and the same was disposed of on 13.10.2004 giving liberty to the appellant's Union to approach the Labour Court by filing a Claim Petition. Pursuant to the same, the appellants have filed petitions under Section 33-C (2) of the Industrial Disputes Act, 1947 before the Labour Court claiming lay-off compensation and the said Court even before numbering them, has rejected the said petitions by an Order dated

23.12.2004 on the ground that they are not maintainable. Aggrieved by the same, Writ Petition No.4196 of 2005 has been filed by the appellants.

The learned single Judge of this Court, after going into the merits of the case and relying upon the Judgment of the Apex Court in **A.K.BINDAL v. UOI,** has come to the conclusion that the order passed by the Labour Court needs no interference in view of the fact that the appellants have voluntarily opted for V.R.S. and received all the benefits and they are not the workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947.

Since the learned single Judge has dismissed the Writ Petition by giving cogent and convincing reasons, we do not find any reason to interfere with the order passed by the learned single Judge.

The Writ Appeal is accordingly dismissed.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 13.04.2005

bsv/lvl

To

1 The Presiding Officer, Labour Court, Guntur
2 The Secretary , State of A.P., Industries & Commerce Department Secretariat, Hyderabad
3 The Director of Sugar and Cane Commissioner, 1st Floor, M.J. Road, Nampally, Hyderabad

4 The Managing Director, Nagarjuna Co-op Sugar Ltd., Gurajala, Guntur District
5 The Secretary, Public Enterprises Department, Secretariat, Hyderabad

6 Two CCs to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)
7 Two CD copies